

REMARKS / ARGUEMENTS

Claims 1-17 are pending.

Claims 18-22 are withdrawn.

Claims 1-17 are rejected.

Claim 1 is amended to more clearly define the relationship between a receiver and a network operator. Specifically, the Applicants specify that operation of the method is performed by a controller such as ATV controller 109 which is disclosed in the specification on page 9, line 1 to page 10, line 8, and in other places in the specification. The claimed controller therefore acts as the intermediary between the network operator and the receiver, where the delivery of enhanced programming is done by the controller (by retaining the trigger preferences of the receiver).

Claim 7 is amended for language clarity and for consistency with Claim 1.

Claim 8 is amended for language clarity and for consistency to recite "a" database instead of "said database".

Claim 10 is amended to recite a controller as to define the relationship between a receiver and a network operator. Specifically, the controller is responsible for matching trigger filters and for notifying a receiver when a trigger in enhanced programming matches such a trigger filter. Support for this amendment is found in the specification on page 9, line 1 to page 10, line 8, and in other places in the specification.

Claim 13 is amended to claim that the claimed database is within the controller. This change is to clarify that the controller contains the database that is used for the invention, not the receiver.

Claim 14 is amended for clarity as to change the term "a network operator" to "the network operator".

No new matter was entered in view of these amendments.

I. Rejection of Claims 1-7 and 10-17 under 35 U.S.C. § 102(e)

The Examiner rejected Claims 1-7 and 10-17 under 35 U.S.C. 102(e) as being anticipated by Park et al. (U.S. Patent 6,460,180, hereafter referred to as 'Park'). Applicants disagree with this ground of rejection.

The Park reference discloses the operation of a receiver which "when the receiver unit receives a trigger, the receiver unit determines whether a rule stored in the receiver unit applies to the trigger," (Park, col. 2, lines 17-19). The receiver then will either take a predetermined action in view of the rule (if it applies), or the receiver will apply the trigger without application of such a rule (see Park, col. 2, lines 19-23).

What is apparent by the disclosure of the Park reference is that the application of triggers, rule, and whether or not such triggers are either to be acted upon or not, is wholly performed within a receiver. This type of architecture is different than what is claimed in Claim 1.

Specifically, Claim 1 introduces the concept of having content providers, a receiver, and a controller which is operated by a network operator. The receiver transmits a trigger filter and such a trigger filter is stored in a controller, where it is the controller, not the receiver, which operates in view of such a trigger filter. That is, the operation of the invention of Claim 1 (of using triggers and filters) is applied effectively upstream of the application of triggers in Park.

This means that that architecture of Claim 1 introduces an intermediary of a controller that performs the claimed method steps, versus the operation of the receiver in Park where all of the triggers (and associated rules) are processed in Park's receiver. In addition, the controller (as an intermediary) transmits enhanced programming to the receiver "when said detected trigger matches said trigger filter in said comparison step". Therefore, the controller of Claim 1 both

determines whether a trigger filter matches a trigger and the controller also transmits enhanced programming to the receiver, when such a match occurs. This operation of a controller is neither disclosed nor suggested in Park, in that once again the receiver decided whether or not to apply a rule when a trigger is received.

Applicants therefore assert Claim 1 is patentable over the cited art of reference. Moreover, Applicants assert Claim 10 is patentable for the same reasons listed above for Claim 1, as the claimed controller notifies 'the receiver of available enhanced content programming user said trigger identifier when said trigger identifier matches said detected trigger where said pairing and notification steps are performed by said controller". These operations of the claimed controller (which is different than the receiver of Park) are not disclosed or suggested in the Examiner's cited art.

Applicants assert that dependent Claims 2-7 and Claims 11-17 are patentable as such claims depend on allowable Claims 1 and 10, respectively.

II. 35 U.S.C. § 103(a) Rejection to Claim 8

The Examiner rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Park in view of Leftwich (U.S. Patent Publication 2005/0138657). Applicants disagree with this ground of rejection.

Applicants assert Claim 8 is patentable over the cited art of record in that such a claim depends on allowable 1, and the recited controller and database which is stored in said controller is not disclosed or suggested in Park and Leftwich, alone or in combination.

Applicants therefore request that the Examiner remove the rejection to this claim.

III. 35 U.S.C. § 103(a) Rejection to Claim 9

The Examiner rejected Claim 9 under 35 U.S.C. 103(a) as being unpatentable over park in view of Swix et al (U.S. Patent Publication 2005/0283792, hereafter referred to as Swix). Applicants disagree with this ground of rejection.

In the review of the Swix reference (filed on August 25, 2005), the Applicants note that such a reference claims priority to an application 11/154,248 (which was filed on Jun. 16, 2005), which was filed as a continuation in part to an application 09/496,825 (which was filed on February 1, 2000). Because the Swix reference claims priority as a continuation in part to an earlier application, it is not immediately apparent to what part of the Swix reference to which the Examiner relies on was added in 2005, and what comes from the priority application 09/496,825 which issued as US Patent 6,983,478 ('478 patent). That is, upon a simple review published Swix reference (US 2005/0283792) appears to be substantially different than specification of the '478 patent.

Applicants request that Examiner review the two references as to understand that the subject matter relied upon in the formation of the Examiner's rejection may in actually have come five years after the filing of the present application. That is, Applicants do not believe that the support for the rejection is proper as it is likely that substantial parts of the Swix reference used to support the Examiner's rejection was added after the present application was filed.

Applicants also assert the Claim 9 is patentable as such a claim depends on allowable Claim 1. Applicants therefore request the Examiner remove the rejection to this claim.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

It is also believed that no fees are owed in connection with this action. If fees are owed, please charge Deposit Account 07-0832.

Respectfully submitted,

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